THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.4318 OF 2002

Date: 13th October 2006

Between:
Meka Pundarikakshudu,
S/o Suryanarayana Murthy, aged 53 years,
Hindu, dealer, FD Shop No.13, Angara,
Kapileswarapuram Mandal, E.G. District.

…. Petitioner.

And

1. District Collector (CS Wing),
   East Godavari Dist., Kakinada
   and 2 others.

…. Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the order dated 14.02.2002 passed by the third respondent in Reference No.B.22/2002, as arbitrary, illegal and contrary to the provisions of the Essential Commodities Act and consequently to direct the respondents to permit the petitioner to lift stock for the fair price shop No.13, Angara village, Kapileswarapuram Mandal, East Godavari District.

2. It appears that the petitioner is fair price shop dealer of shop No.13 of Angara village, Kapileswarapuram Mandal, East Godavari District. While so, the Mandal Revenue Officer, Kapileswarapuram Mandal, passed the impugned endorsement which reads as under.

> " With reference to your application dated 11.2.2002 for permission for lifting of stocks of F.P. Shop No.13, put in before the Collector, East Godavari, Kakinada and which was forwarded to the Mandal Revenue Officer, Kapileswarapuram through the Sub Collector, Rajahmundry, you are hereby informed that the matter has been further examined by the higher authorities and it was informed by wire to maintain "Status quo" i.e., to continue the additional charge arrangements already made by the Mandal Revenue Officer, Kapileswarapuram by keeping the adjacent dealer as in-charge for F.P. Shop No.13, till the receipt of final orders in the matter from the higher authorities."

3. According to the petitioner, neither his authorization is suspended nor cancelled nor any enquiry is contemplated against him. Under those circumstances, issuance of the above endorsement by the Mandal Revenue Officer, Kapileswarapuram Mandal, is arbitrary and illegal.

4. While admitting the writ petition on 25.4.2002 this Court passed orders that in view of the order passed by the Revenue Divisional Officer dated 13.2.2002, directing the Mandal Revenue Officer to continue the petitioner, there shall be interim direction as prayed for. Thus, the petitioner is continuing as a fair price shop dealer as on today.

5. No counter is filed, but the learned Government Pleader, on instructions, submits that in view of certain allegations that petitioner's brother is running the shop and not the petitioner, some action is contemplated against him, therefore, the present endorsement is passed and the matter was under examination with the higher authorities.

6. Even today, it is not the case of the respondents that any action

has been initiated under the control orders either for conducting any enquiry into the matter or the authorization of the petitioner was suspended or cancelled. In view of the above, the impugned order is liable to be set aside.

7. Accordingly, the writ petition is allowed setting aside the impugned order. No order as to costs.

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C.V.RAMULU, J.

Date: 13th October 2006.
BSB